

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

PML NORTH AMERICA, LLC,

Plaintiff,

v.

Case No. 05-CV-70404-DT

HARTFORD UNDERWRITERS INSURANCE
COMPANY, ACG ENTERPRISES OF NC, INC.,
and JOHN E. GILCHRIST d/b/a RTP
INSURANCE & FINANCIAL ASSOCIATES OF
DURHAM, NC,

Defendants.

**OPINION AND ORDER GRANTING DEFENDANT
GILCHRIST'S "MOTION FOR SUMMARY JUDGMENT"**

Defendant John Gilchrist filed a motion for summary judgment on September 11, 2006. Plaintiff PML North America, LLC ("PML") filed a response in opposition on October 3, 2006. Later, PML concluded additional discovery and on October 20, 2006 filed a "Motion for Judgment by Default and Summary Judgment" against Defendant ACG Enterprises of NC, Inc. ("ACG"). Gilchrist concurred in the motion and argued that the new discovery exonerated him. (10/26/06 Resp.) In light of the new discovery and PML's motion, the court ordered PML to file a supplemental brief stating whether it intended to continue to pursue its claims against Gilchrist. (12/5/06 Order.) PML's supplemental brief states that there is no genuine issue of material fact concerning Gilchrist and that "there is no admissible evidence suggesting that any person or entity, other than ACG, engaged in the act of fraud against PML." (12/11/06 PML Supp. Br. at 1.) Accordingly,

IT IS ORDERED that Gilchrist's "Motion for Summary Judgment" [Dkt #80] is GRANTED and the December 14, 2006 hearing for that motion is CANCELLED.

IT IS FURTHER ORDERED that PML's "Motion for Judgment by Default and Summary Judgment Against [ACG]" [Dkt #85] remains PENDING. The court will, pursuant to its previous notice, hear argument on **December 14, 2006 at 2:00 p.m.**

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: December 12, 2006

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, December 12, 2006, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522